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MEXICO.

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SOUTH CAROLINA.

Sec. 40. "The board shall then proceed to canvass and decide the votes." "When the statements are made and certified the inspectors a true copy of them" shall be immediately filed by them in the office of the Clerk of the Town or, and by Sec. 40 the original statements shall be delivered by one of the Inspectors "to the Supervisor of the Town or to the Town Clerk, within one hour after the same shall have been subscribed."

NEW-YO

corresponding dispatch is required from the County officers. They are to meet on the first Tuesday after election, and before one o'clock in the afternoon of that day, at a place to be designated by the County Judge; the constitutional roll to each member of the board—p. 125, sec. 2. "The original statements of the cases in which delivery shall then be produced," "such statements as may be delivered and deposited with the City Clerk Sec. 6.

Section 12, if any Supervisor, appointed to attend the County Court, shall, on or before that day, cause the statement to be delivered at the office of the County Clerk. Sec. 13. If on that day a majority do not attend, or if a majority of the voters of the County do not appear in person, the canvassers are to adjourn to some convenient hour of the next day.

Section 14. If at either of the times they shall again meet, a majority of the voters do not appear, it requires the canvassers then attending, "though less than a majority."

Poisoning—Appoint
UTICA, Tuesd

the County." In this certificate, it seems, they are to make out only on statements then produced, although the statements in some districts should not then be produced. Thus, the sale of promptness, throwing out from this estimate the returns of districts which should not then be produced.

day, by a runaway hor

es, which are merely clerical, exist, they shall cause the warrant to be sent by one of their number to the Town Clerks, &c., to be corrected; and the canvasser so directed shall immediately proceed to give notice to the taxpayers, &c., whose duty it shall be *forthwith* to assemble and make the correction. The County Canvassers are authorized to adjourn from day to day, for the purpose of receiving such corrected statement—but it is expressly enacted that such adjournment is *not* to extend beyond three

The issue says it was declined.

with the object of this act, that it is intended even that no returns should be left out, rather than the time should be lost in waiting for them.

The clerk is also directed to transmit to the Secretary of the State, within twenty days after a general election, a list of names of persons elected in the County as members of Assembly, and a list of those elected to County offices.

22. See also sec. 21, 23, and by section 27, (p. 137.)—the Secretary of State is to convene the State Canvassers, on the 15th day of November, and then can adj.

0 in specie, forty passer
x. Halifax

There is good reason for this haste. It is important to the public that the public offices be filled, and it is better that one who has only this statutory evidence of title should sit up for a time, though not ultimately entitled to it, than that the public offices should be vacant. This would be readily admitted as to the higher offices, those of the Governor and State officers, and of members of the Legislature and Judiciary, and is equally so as to the inferior officers, and perhaps in no less

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return and Canvasbacks conclusive until they are matched in the formal mode prescribed for trying a title to wit; and the intention to make them so far conclusive is ascertained as readily from the general scope of laws as from our express permission. Such intention is carefully in this case.

to serious injury is done by this. The person entitled the office can immediately, after his term commences, proceed by information in nature of a *quo warranto*. The

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to him to pay damages for his intrusion. "In similar opinions as to the effect of the canvass seems expressed in the *People vs. Vail*, 26 Wend. 12: p. 14, contrary. "The decision of the canvassers was conclusive in every form in which the question could arise except that of a direct proceeding by *quo warranto* to try the right," and Nelson J. says, in the *People vs. Stevens*, 5 Dec. 21, "on a proceeding by *mandamus* involving a dispute as to which of two persons has been elected to an office, the decision of the canvassers is conclusive."

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CHARLES

of the Board of Canvassers is to be deemed conclusive on the parties. The original merits, by which I mean, question arising upon a canvass of the votes, cannot be reviewed; but the result as finally certified or declared by the Board is controlling.

The subsequent part of the learned Judge's opinion was that he probably meant, by a regular election, "one irregular on its face. The present case is an illustration of the evil of our interference in such cases. To interfere, in such cases, for any effect, is the proceeding."

FENTON WARD

the District merely, but for the purpose of the election. The applicant asked for this, and it was granted. Apparently, the consequence was, that for as alleged, for the County Canvassers, all the votes of that Ward were disregarded, and the Canvassers made a return, excluding those votes. It was supposed, on that argument, that they may have ended their power. The Court might not be called on to stay the entire proceedings of this case, and even of the *Suites*, so far as it relates to this case, and next stay the Canvassers, until the ques-

12 COURT—Mitchel

is so often referred to? And if such order were not issued, and the County and State Canvassers proceed to count the votes of this District, of what use would this be? The application of the writ of mandamus be to any one I grant, it is evident that the Canvassers would be placed in the dilemma of disobeying the order, or disobeying the statute.

It is not intended to intimate that the proceedings of the County Canvassers are void, on account of their adjournment.

roduced them to the U. S. Senate.

of those officers on those subjects, are clearly examined in the statute referred to. It is unnecessary to express an opinion on the other points raised. It might be sufficient to say that the allowance of a mandamus is discretionary in the Court, and that it is plain it would not be a prudent use of that discretion to allow it in this case. The order to show cause, therefore, may be set aside without cost. The Judge who granted the order to show cause, did so before the question to be argued.—Dec. 9, 1831.

the Fourteenth Ward for

Effete Convoys Galvanized—A Queer Move.
An order having been served by the marshal, Mr. Shepard, upon the members, pursuant to the decision of Judge Mitchell, on Monday, mediation was attempted, but failed.

General. But still they h

ring them to proceed with said canvass, the Tammany members of the Board (being the minority) organized as the Board of Canvassers, and appointed Ald. Oakley, Chairman. They then sent the County Clerk, but that officer declined to attend unless summoned by Ald. Britton, the Presi-

been refused when applied
to any other.

appointed Ald. Miller, Clerk. Some of the high members soon afterward entered and took their seats, sufficient to form a quorum, and the County Clerk informally appeared and explained what had been done. A resolution was offered by J. Cook, with a preamble, directing the County

Company refused to permit
any had an ample room

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that it lay to compel the
had been issued and the

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Further power is given to adjourn, except for the purpose specified in the fifth section, § 125, that section directs that the clerk shall adjourn the court, and that any statements produced to fix certain matters are subject to the court's review. If the court is adjourned for a purely clerical act, then it shall cause the statement to be sent by one of their number to the Town Clerk, to be kept on file, and the court shall proceed to give action to the happen-
ing, and when duty it shall be forthwith to assemble and adjourn the court to the next day, and the clerk shall adjourn from day to day, for the purpose of receiving corrected statement—but it is expressly enacted that "no adjournment shall be made for the purpose of a difference, that may be so expressly named with the object of this act, that it is intended when the adjournment shall be taken, rather than the time should be lost."

And the clerk is so directed to transmit to the Secretary of the County, within twenty days after a general session of the court, a list of the names of the County as members of the court.

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the subsequent part of the District Judge's opinion was devoted to a discussion of the alleged irregularities of the process. The present case is an illustration of the evil of our interference in such cases. The County Clerks and the County Commissioners of the County Canvassers must be stayed, not only as to the District merely, but as to the whole State, and the consequence was, that for an alleged error of the County Canvassers, the County Clerks and the County Canvassers made a return, against those votes. It was supposed, on the argument, that the County Clerks and the County Canvassers were entitled to stay the proceedings of the State, and even of the Senate, so far as it related to the election of the County Canvassers, and that the case as to the District should be decided. Could that, by possibility, be considered as a precedent? And if such order were not made and the County and State Canvassers proceeded against the votes of the District, would it not be a violation of the writ of mandamus to be any one?

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An order having been served by the marshal, Mr. Shepherd, upon the members, pursuant to the decision of Judge Mitchell, on Monday, modifying the order as to the Fourteenth Ward, so as to canvass all but the Second District, the order requiring them to proceed with said canvass, the Tammany members of the Board (being the minority) met and organized as the Board of Canvassers, and appointed Ald. Oakley, Chairman. They then sent to the County Clerk, that officer declined to attend, unless summoned by Ald. Britton, the President of the Board of Canvassers. The meeting was then appointed Ald. Miller, Clerk. Some of the canvassing members soon afterward entered and took

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